

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **James F Brogan, Jr.
Elizabeth C Brogan**

Debtor(s)

Case No.: **13-32507-MBK**
Judge: **Christine M. Gravelle**
Chapter: **13**

CHAPTER 13 PLAN AND MOTIONS

☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: May 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The Debtor has paid \$46,684.00 to the Chapter 13 Trustee to date. Starting on June 1, 2016 the Trustee payment will decrease to \$270.00 for a total Plan term of approximately 48 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Bruce C. Truesdale ~BT 0928	Attorney Fees	2,000.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in

Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Chase	Residence Location: 17 Holmes Place, Middletown NJ 07748	269,600.00	73,690.00
FIA Card Services	Residence Location: 17 Holmes Place, Middletown NJ 07748	269,600.00	9,584.00
Wells Fargo Home Finance	Residence Location: 17 Holmes Place, Middletown NJ 07748	269,600.00	32,296.00

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 x *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
<p>c. Order of Distribution</p> <p>The Trustee shall pay allowed claims in the following order:</p> <ol style="list-style-type: none"> 1) <u>Trustee Commissions</u> 2) <u>Other Administrative Claims</u> 3) <u>Secured Claims</u> 4) <u>Lease Arrearages</u> 5) <u>Priority Claims</u> 6) <u>General Unsecured Claims</u> 			
<p>d. Post-petition claims</p> <p>The Trustee <input type="checkbox"/> is, <input checked="" type="checkbox"/> is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.</p>			
<p>e. Other Provisions:</p>			
<p>Part 9 : Modification</p>			
<p>If this plan modifies a plan previously filed in this case, complete the information below. Date of Plan being modified: 8/26/2014.</p>			
<p>Explain below why the Plan is being modified.</p> <p>(Third Modified Plan) Debtor lost his job and as a result does not have income consistent with the current plan. (Second Modified Plan) This modified Plan is being filed to extend the term of the plan to 48 months and pay unsecured claims in full and to pay post petition IRS taxes. (First Modified Plan) The plan is being modified to surrender the residence and pay the filed claims in full.</p>		<p>Explain below how the Plan is being modified</p> <p>(Third Modified Plan) Part 1 was amended to reduce the plan payment for the remainder of the term. (Second Modified Plan) This Modified Plan is extending the term of the Plan to 48 months and increasing the monthly Trustee payment to pay unsecured creditors in full and to pay post petition IRS taxes. (First Modified Plan) The plan is being modified to surrender the residence.</p>	
<p>Are Schedules I and J being filed simultaneously with this modified Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>Part 10: Sign Here</p>			
<p>The debtor(s) and the attorney for the debtor (if any) must sign this Plan.</p>			
<p>Date _____</p>		<p><u>/s/ Bruce C. Truesdale</u> Bruce C. Truesdale Attorney for the Debtor</p>	
<p>I certify under penalty of perjury that the foregoing is true and correct.</p>			
<p>Date: _____</p>		<p><u>/s/ James F Brogan, Jr.</u> James F Brogan, Jr. Debtor</p>	
<p>Date: _____</p>		<p><u>/s/ Elizabeth C Brogan</u> Elizabeth C Brogan Joint Debtor</p>	

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 James F Brogan, Jr.
 Elizabeth C Brogan
 Debtors

Case No. 13-32507-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 36

Date Rcvd: Jun 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 17, 2017.

db/jdb #+James F Brogan, Jr., Elizabeth C Brogan, 17 Holmes Place, Middletown, NJ 07748-5722
 aty Ackerman, 200 Sheffield Street Suite 101, P.O. Box 1024, Mountainside, NJ 07092-0024
 aty +David M. Estes, Mazie Slater Katz & Freeman LLC, 103 Eisenhower Parkway,
 Roseland, NJ 07068-1029
 nc +David M. Estes, Esq., Mazie Slater Katz & Freeman, LLC, 103 Eisenhower Parkway,
 Roseland, NJ 07068-1029
 lm +WELLS FARGO HOME MORTGAGE, MAC D3347-014, ATT: Party to Accept Service,
 3476 Stateview Blvd., Fort Mill, SC 29715-7203
 514279833 +Abelson & Truesdale, LLC, 147 Union Avenue, Suite 1E, Middlesex, NJ 08846-1063
 514279834 +American Express, PO Box 981537, El Paso, TX 79998-1537
 514477868 American Express Bank, FSB, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
 514484152 American Express Centurion Bank, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
 514279842 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: FIA Card Services, PO Box 15726, Wilmington, DE 19886-5726)
 514279840 ++CHRYSLER FINANCIAL, 27777 INKSTER RD, FARMINGTON HILLS MI 48334-5326
 (address filed with court: Chrysler Financial, PO Box 9223, Farmington, MI 48333-9223)
 514279838 +Card Member Services, CB Disputes, PO Box 108, Saint Louis, MO 63166-0108
 514279839 +Chase, PO Box 24696, Columbus, OH 43224-0696
 514508585 EMER PHY ASSOC NORTH JERSEY,PC, PO Box 1109, Minneapolis, MN 55440-1109
 514279843 +Home Depot/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
 514374706 Mohinder S. Sidhu, 3 Kanouse Place, West Caldwell, NJ 07006
 514417680 +Mohinder S.Sidhu and Parmjeet Sidhi, Matthew R. Mendelsohn, Esq,
 Mazie Slater Katz & Freeman, LLC, 103 Eisenhower Parkway,, Roseland, NJ 07068-1029
 514279846 +Monmouth County Sheriff's Office, Attention: Foreclosure Unit, 50 East Main Street,
 Freehold, NJ 07728-2275
 514279847 Sears/CBSD, 133200 Smith Road, Cleveland, OH 44130
 514279848 +Sonoco/Citibank, PO Box 6497, Sioux Falls, SD 57117-6497
 514521761 Toyota Motor Credit Corporation, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
 514279841 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: FBS Card Services, PO Box 9487, Minneapolis, MN 55440-9487)
 514508589 Wells Fargo Bank, P.O. Box 50014, Roanoke VA 24040-0014
 514472830 +Wells Fargo Bank, N.A., c/o Zucker Goldberg & Ackerman, 200 Sheffield Street, Suite 301,
 Mountainside, NJ 07092-2315
 514474800 +Wells Fargo Bank, N.A., ATTN: Bankruptcy Dept., MAC# D3347-014, 3476 Stateview Blvd.,
 Fort Mill, SC 29715-7203
 514279850 Wells Fargo Home Finance, PO Box 10335, Des Moines, IA 50306-0335
 514279851 ++Zucker, Goldberg & Ackerman, 200 Sheffield Street, PO Box 1024,
 Mountainside, NJ 07092-0024

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Jun 15 2017 22:47:07 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 15 2017 22:47:03 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 514299503 +E-mail/Text: ebn@ltdfin.com Jun 15 2017 22:46:50 Advantage Assets II, Inc.,
 7322 Southwest Frwy, Suite 1600, Houston, TX 77074-2134
 514409513 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 15 2017 23:04:04
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 514305183 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Jun 15 2017 22:47:00 Asset Acceptance LLC,
 PO Box 2036, Warren MI 48090-2036
 514279844 +E-mail/Text: bnckohlsnotices@becket-lee.com Jun 15 2017 22:46:25 Kohls/Chase, PO Box 3115,
 Milwaukee, WI 53201-3115
 514279845 +E-mail/Text: ebn@ltdfin.com Jun 15 2017 22:46:50 LTD, Financial Services,
 7322 Southwest Freeway, Ste 1600, Houston, TX 77074-2134
 514500739 E-mail/PDF: resurgentbknofifications@resurgent.com Jun 15 2017 22:53:54
 LVNV Funding, LLC its successors and assigns as, assignee of FIA Card Services, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516743806 +E-mail/PDF: gecsed@recoverycorp.com Jun 15 2017 22:54:15 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Wells Fargo Bank, N.A.
 514279836* +Bank of America, PO Box 17054, Wilmington, DE 19850-7054
 514279835 ##+Bank of America, PO Box 17054, Wilmington, DE 19850-7054
 514279837 ##Bank of America, PO Box 15026, Wilmington, DE 19850-5026
 514279849 ##+Verizon Wireless, PO Box 1850, Folsom, CA 95763-1850

TOTALS: 1, * 1, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 36

Date Rcvd: Jun 15, 2017

***** BYPASSED RECIPIENTS (continued) *****

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 17, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 14, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Angela Catherine Pattison on behalf of Creditor Wells Fargo Bank, N.A.
angela.pattison@powerskirn.com, ecf@powerskirn.com
Bruce C. Truesdale on behalf of Debtor James F Brogan, Jr. brucectruesdalepc@gmail.com,
bctpcecf@gmail.com;r49787@notify.bestcase.com
Bruce C. Truesdale on behalf of Joint Debtor Elizabeth C Brogan brucectruesdalepc@gmail.com,
bctpcecf@gmail.com;r49787@notify.bestcase.com
Denise E. Carlon on behalf of Creditor Wells Fargo Bank, N.A.
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
Michael S. Ackerman on behalf of Creditor Wells Fargo Bank, N.A.
bankruptcynotice@zuckergoldberg.com
Sarah J. Crouch on behalf of Debtor James F Brogan, Jr. nickfitz.law@gmail.com,
nadiafinacial@gmail.com;r53165@notify.bestcase.com
Sarah J. Crouch on behalf of Joint Debtor Elizabeth C Brogan nickfitz.law@gmail.com,
nadiafinacial@gmail.com;r53165@notify.bestcase.com

TOTAL: 9